

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-379 WJ/SMV

B.C.M.D.C. et al.,

Defendants.

consolidated with

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-CV-582 WJ/SMV

RAMON RUSTIN et al.,

Defendants.

AMENDED ORDER DIRECTING PERSONAL SERVICE ON NAMED DEFENDANT

THIS MATTER comes before the Court sua sponte pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c), (d). Plaintiff, an inmate, is proceeding *in forma pauperis* under 28 U.S.C. § 1915. It appears to the Court that personal service of the summons and complaint is required in this matter for Defendant Dr. Shannon. *See* Fed. R. Civ. P. (4)(d)(1)(F). Under Fed. R. Civ. P. 4(d)(2), the Court shall impose costs of service on a Defendant who, without good cause, does not comply with a request to waive service.

IT IS THEREFORE ORDERED that summons shall be issued and the U.S. Marshal shall serve the summons and complaint personally on Defendant Dr. Shannon as directed by the Clerk. The service of the summons and complaint shall be at no cost to the Plaintiff.

IT IS FURTHER ORDERED that the original Order Directing Personal Service on Named Defendant [Doc. 36] is hereby vacated.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge